

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRENDA MAZZA,

Plaintiff,

vs.

LELAND DUDEK, Acting
Commissioner of Social Security,

Defendant.

8:23-CV-466

ORDER

This matter is before the Court upon the plaintiff's unopposed motion for award of attorney fees pursuant under the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#) (filing 37), seeking an award of fees and expenses in the amount of \$4147.14, which represents 1.7 hours of work at a rate of \$244.63 per hour, 12 hours of work at a rate of 251.84 per hour, 1.2 hours of work at a rate of 255.99 per hour,¹ and filing fees of \$402. Filing 37-3.

The Court has determined that the plaintiff was the prevailing party in this action, as the application for fees was filed in a timely fashion,² and the Commissioner's decision was remanded to the Commissioner for further proceedings because the administrative law judge made findings that were not

¹ The maximum hourly fee of \$125 specified in [28 U.S.C. § 2412\(d\)\(1\)\(D\)\(2\)\(A\)](#) has been adjusted to account for inflation.

² An Equal Access to Justice Act application based on a district court judgment remanding a case pursuant to sentence four of [42 U.S.C. § 405\(g\)](#) must be filed no later than 30 days after the sentence four judgment has been entered and the appeal period has run such that the judgment is no longer appealable. See *Pottsmith v. Barnhart*, 306 F.3d 526, 527-28 (8th Cir. 2002); see also *Shalala v. Schaefer*, 509 U.S. 292, 302 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-97 (1991).

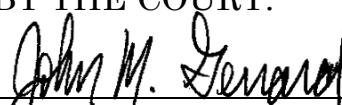
supported by substantial evidence. *See Koss v. Sullivan*, 982 F.2d 1226 (8th Cir. 1993). Therefore, the plaintiff is entitled to an award of attorney fees.

IT IS ORDERED:

1. The plaintiff's Motion for Award of Attorney Fees Pursuant under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (filing 37) is granted.
2. By separate document, the Court shall enter judgment for the plaintiff and against the defendant providing that the plaintiff is awarded attorney fees and costs of \$4147.14.
3. That sum shall be sent to plaintiff's counsel, Mr. Kappelman, who shall be responsible remitting to Ms. Schram her portion of the award.

Dated this 5th day of May, 2025.

BY THE COURT:


John M. Gerrard
Senior United States District Judge